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SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1942.

No. 773

SAM CERAMI,

Petitioner,

versus

W. D. HAAS, JR.

BRIEF OF W. D. HAAS, JR., OPPOSING PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF LOUISIANA.

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TO THE HONORABLE THE SUPREME COURT OF THE UNITED STATES:

May It Please the Court:

STATEMENT OF THE CASE.

This was a suit by W. D. Haas, Jr., against Sam Cerami to compel specific performance of a contract of sale of an oil royalty. The judgment of the District Court of Louisiana ordering Sam Cerami to specifically perform the contract was affirmed by the Supreme Court of Lou-

isiana. (Transcript of Record, page 181, Haas v. Cerami, 10 So. (2d) 61).

Defendant Cerami, applicant here, claims to have raised a Federal question so as to give the United States Supreme Court jurisdiction. The so-called Federal question is stated, as follows:

> "The right to said appeal or certiorari is founded upon the proposition that the judgment of the District Court, affirmed by this (Supreme) Court (of Louisiana), deprives petitioner of his vested rights and of his property without due process of law in contravention of that clause of the Fourteenth Amendment to the Constitution of the United States which provides that no State shall deprive any person of life, liberty or property without due process of law; * * *". Transcript of Record, pages 195, 11, 191, 192, 193.

JURISDICTION.

The United States Supreme Court is without jurisdiction to grant certiorari in this case.

There was not drawn into question the validity of a statute of Louisiana on the ground of its being repugnant to the United States Constitution, or laws of the United States. No title, right, privilege, or immunity is set up or claimed under the Constitution. Judicial Code, Sec. 237. It is merely claimed that the judgment of the Louisiana Supreme Court enforcing a contract of sale is in contravention of laws of Louisiana.

Whether the provisions of the Revised Civil Code of Louisiana and Code of Practice are to be construed one

way or another is a State question, the final decision of which rests with the courts of the State. The due process of law clause in the Fourteenth Amendment does not take up the Statutes of the several States and make them the test of what it requires; nor does it enable the United States Supreme Court to revise the decisions of the State courts on questions of State law.

> "Castillo v. McConnico, 168 U. S. 674, 682, 683, 42 L. ed. 622, 624, 625, 18 Sup. Ct. Rep. 229; West v. Louisiana, 194 U. S. 258, 261-263, 48 L. ed. 965, 968, 969, 24 Sup. Ct. Rep. 650; Patterson v. Colorado, 205 U. S. 454, 459, 51 L. ed. 879, 880, 27 Sup. Ct. Rep. 556, 10 Ann. Cas. 689; Pullman Co. v. Knott, 235 U. S. 23, 25, 59 L. ed. 105, 110, 35 Sup Ct. Rep. 2; Enterprise Irrig. Dist. v. Farmers Mut. Canal Co., 243 U. S. 157, 166, 61 L. ed. 644, 649, 37 Sup. Ct. Rep. 318."

Respectfully submitted,

LeDOUX R. PROVOSTY,
Attorney for W. D. Haas, Jr.